

1028-001k

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

**Richard Sapienza et al.**

Group Art Unit: 1755

Serial No.: 10/690,894

Examiner: Green, A.

Filed: October 22, 2003

For: **ENVIRONMENTALLY BENIGN ANTI-ICING OR DEICING FLUIDS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

New York, NY 10036  
July 5, 2005

**REPLACEMENT SUPPLEMENTAL INFORMATION  
DISCLOSURE STATEMENT UNDER 37 CFR 1.97(c)(1)**

Sir:

Applicants respectfully request consideration of the materials contained in this Replacement Supplemental Information Disclosure Statement at this time under the provisions of 37 CFR 1.97(c)(1) as being originally filed before the mailing date of a final Office Action or Notice of Allowance and accompanied by the statement required in 37 CFR 1.97(e)(2). This information disclosure statement was originally filed on April 27, 2005 and was placed in the application file, but was not considered due to the inadvertent lack of Form PTO/SB/08B.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: service under 37 CFR §1.10 on the date indicated

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

On July 5, 2005

Alan B. Clement, Reg. No. 34,563

<b><u>Document Designation</u></b>	<b><u>Relevance</u></b>
CA	Decision and Order of United States District Court for the Northern District of New York in case styled <i>Cargill, Incorporated v. Sears Petroleum &amp; Transport Corp. et al.</i> concerning United States Patent No. 6,299,793 including the priority date of the '793 patent. The current applicants were not a party to this <i>Cargill</i> litigation.
CB	Judgment corresponding to Decision and Order identified above.
CC	Jury Verdict Form corresponding to Judgment identified above.

CERTIFICATION UNDER 37 CFR 1.97(e)(2)

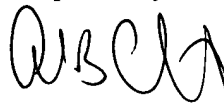
Applicants submit that no information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this paper and certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the originally filed but unconsidered information disclosure statement.

The cited materials are enclosed herewith. It is respectfully requested that this material be considered by the Examiner in the above-identified application and made of record therein.

Applicants respectfully submit that in light of the Certification Under 37 CFR § 1.97(e)(2) made herein, that no fee is required. However, if the Commissioner disagrees,

applicants hereby authorize the Commissioner to charge any required fees in connection with this matter to Deposit Account No. 08-1540.

Respectfully submitted,

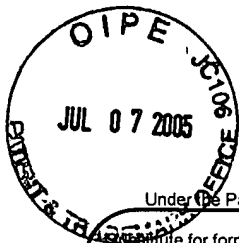


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PTO/SB/08B (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)		<b>Complete if Known</b>	
		Application Number	10/690,984
		Filing Date	October 22, 2003
		First Named Inventor	Sapienza, Richard
		Art Unit	1755
		Examiner Name	Green, A.
Sheet 1	of 1	Attorney Docket Number	1028-001k

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	CA	HON. DAVID E. PEEBLES, N.D.N.Y.; Cargill, Incorporated v. Sears Petroleum & Transport Corp. et al.; Decision and Order; August 27, 2004; pp. 1-48; Syracuse, NY	
	CB	HON. DAVID E. PEEBLES, N.D.N.Y.; Cargill, Incorporated v. Sears Petroleum & Transport Corp. et al.; Judgment; April 12, 2005; pp. 1-6	
	CC	JURY FOREPERSON, N.D.N.Y.; Cargill, Incorporated v. Sears Petroleum & Transport Corp. et al.; Jury Verdict Form; March 10, 2005; pp. 1-12; Syracuse, NY	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.